

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Avner YAYON et al.

Confirmation No.: 5324

Application No.: 10/734,661

Group Art Unit: 1643

Filing Date: December 15, 2003

Examiner: Bradley Duffy

For: ANTIBODIES THAT BLOCK RECEPTOR
PROTEIN TYROSINE KINASE
ACTIVATION, METHODS OF SCREENING
FOR AND USES THEREOF

Atty. Docket No.: 81408-4400

CLARIFICATION OF AMENDMENT

Mail Stop: AF
Commissioner for Patents
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Sir:

Further to applicants' amendment of April 22, 2008, Applicants submit the following clarification of the remarks that were previously submitted.

As previously explained, claim 1 has been amended to recite a specific FGFR3 having an extracellular portion which is encoded by SEQ ID NO:4 so as to further define the unique activity of the antibodies of the present invention. Regarding enablement, the wrong paragraphs of the specification were identified. These antibodies bind and block ligand-independent activation of a FGFR3 having an extracellular portion which is encoded by SEQ ID NO:4 (FGFR3 extracellular domain, paragraph [0221] of the published application). As detailed in Examples 2 and 3, the specification provides step by step guidance for one skilled in the art to generate and verify antibodies against the FGFR3 extracellular domain. In particular, Example 2 discloses the generation of the FR3exFc antigen consisting of the FGFR3 extracellular domain encoded by SEQ ID NO:4 and an Fc amino acid sequence, and Example 3 recites the protocol for screening antibodies against said FR3exFc antigen. In addition, Examples 6, 10 and 13 demonstrate both the in vivo and in vitro functions of molecules of the present invention. Thus, the specification provides sufficient guidance and direction to formulate antibodies of the present invention such that one skilled in the art can practice the present invention without undue

experimentation. Therefore, the enablement requirement is fulfilled and the rejection under 35 U.S.C. § 112, first paragraph, as lacking enabling disclosure should be withdrawn.

Respectfully submitted,

Date 4/23/08 for: [Signature] (Reg. no. 57,073)
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